

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

**EDWARD LENTZ, on Behalf of  
Himself and All Other Employees  
Similarly Situated**

**Plaintiffs,**

**V.**

**SPANKY'S RESTAURANT II, INC.**  
**d/b/a DOUBLE NICKEL**  
**STEAKHOUSE**

**Defendant.**

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**Civil Action No. 5-06CV0285-C**  
**ECF**

## Collective Action

## NOTICE OF RIGHTS

To: All waitstaff who were employed by Defendants Spanky's Restaurant II, Inc. d/b/a Double Nickel Steakhouse and Lady West Enterprises, Ltd., d/b/a Double Nickel Steakhouse (collectively referred to as "Double Nickel") and who performed services for Double Nickel during the time period of December 26, 2003 to the present.

Re: Fair Labor Standards Act (“FLSA”) lawsuit against Spanky’s Restaurant II, Inc. d/b/a Double Nickel Steakhouse (“Defendant”), Lady West Enterprises, Ltd., d/b/a Double Nickel Steakhouse, and Lisa B. West.

This case was filed by Edward Lentz, a former employee of Defendant who alleges that he and certain other employees (Plaintiffs) were required to include non-service personnel in their tip pools while working for Defendant. Plaintiff claims he is entitled to additional compensation for all tips that were improperly paid to non-service personnel during the time December 26, 2003 to the present. He also claims the failure to pay overtime by Defendant was willful, entitling Plaintiff to additional compensation. For those unpaid tips, Plaintiff seeks this additional compensation plus an additional equal amount as liquidated damages.

If you are among the persons to whom this Notice is addressed, and you wish to have your right to overtime pay litigated in this case, you should file your consent

## Exhibit C

to be made a party plaintiff with the Clerk of the Court. **You are eligible to participate in this case even if you signed an Agreement stating that you waived or released your claim for unpaid wages.** It is entirely your own decision whether or not to do so and, if you do become a party plaintiff, whether you prefer to be represented by the present plaintiff's attorney or by an attorney of your choosing. If you file a Consent through a separate attorney, your Notice of Consent should be under the caption of the case as listed above, contain your name, address, telephone number, date of birth, date of signing and signature, and state: "I hereby consent to be a party plaintiff in this case."

If you wish Plaintiff's attorney, Albert T. Van Huff, to represent you, you should contact him directly at (713) 880-2992. You will have the opportunity to discuss with him in detail the nature of this case, including the terms by which he may represent you.

As already stated, you are not required to join in this case by filing your Consent or to take any action unless you want to do so. However, your determination whether or not to take action should be made promptly. Unless a Notice of Consent is filed with the Court on or before sixty (60) days of mailing this Notice, you will not be permitted to join this case. A Notice of Consent is enclosed with a self-addressed, stamped envelope.

If you do not file a Consent form and join in this case, you will not receive any back wages for overtime or other relief from the case if the Plaintiff prevails here. Any such relief would be obtained by you only if you proceed by bringing an independent action within the time provided by law. **You must file a Consent to join this action if you wish to recover unpaid overtime wages from this case.**

If, however, you decide to join this case by filing your Consent, you will be bound by the judgment of the Court on all issues of the case, whether it is favorable or unfavorable to you.

Plaintiff's attorney is: Albert T. Van Huff, MONSHAUGEN & VAN HUFF, P.C., 1225 North Loop West, Suite 640, Houston, Texas 77008, Telephone (713) 880-2992, Fax (713) 880-5297.

This Notice is for the sole purpose of determining the identity of those persons who are eligible and wish to be involved in this case. Although the Court has authorized sending this Notice, there is no assurance at this time that the Court will grant any relief in this case.

**The FLSA prohibits anyone from discriminating or retaliating against you if you choose to take part in this case. This means you cannot be fired, demoted or have your pay cut because you participate in this case.**

Edward Lentz, Plaintiff

By: \_\_\_\_\_  
Attorney-in-Charge for Plaintiff

This Notice has been authorized by the Honorable Sam R. Cummings, the United States District Court Judge to whom the case has been assigned.